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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054171
Party	Defendant VGO Communications, Inc.
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Date	09/18/2015
Attachments	VGOdiscoveryresponse.pdf(341058 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Valeritas, Inc.,)	
)	
Petitioner)	
)	
v.)	Cancellation No. 92054171
)	
VGO Communications, Inc.,)	
)	
Registrant)	

**REGISTRANT VGO COMMUNICATIONS, INC.'S AMENDED
RESPONSES TO PETITIONER VALERITAS, INC.'S INTERROGATORIES,
DOCUMENT PRODUCTION REQUESTS AND ADMISSIONS AS
ORDERED BY THE TTAB ON AUGUST 30, 2015**

Subject to the qualifications and the General Objections as listed in Registrant's Response to Petitioner's First Set of Interrogatories and the specific objections made below, VCI answers Petitioner Valeritas, Inc.'s interrogatories, document production requests and admissions as follows.

RESPONSES

INTERROGATORY NO. 15:

State all facts concerning VCI's relationship with companies in the field of treating, evaluating, diagnosing, and/or counseling patients with diabetes, including but not limited to PositiveID Corporation.

RESPONSE TO INTERROGATORY NO. 15:

VCI incorporates all of its General Objections and, specifically, General Objections 1, 4 and 7. In particular, VCI objects to this Interrogatory to the extent that it is unreasonably broad, unduly burdensome, oppressive, requests irrelevant information and/or is not reasonably calculated to lead to the discovery of admissible evidence, in that it is impossible for VCI to identify "all persons with knowledge of Valeritas' use of Valeritas' Mark." Additionally, VCI objects to this interrogatory to the extent that it contains words or phrases that lack an apparent meaning or have an uncertain meaning, as the term "relationship" is unclear. Subject to, and without waiving these objections, and assuming that "relationship" means an ongoing business communication, VCI responds as follows: VCI has no relationship with companies in the field of treating, evaluating, diagnosing, and/or counseling patients with diabetes, including but not limited to PositiveID Corporation. It did not address only "ongoing" business relationships in making this response. VCI maintains that it did not and does not have a business relationship with PositiveID Corporation or any other company in the field of treating, evaluating and/or counseling patients with diabetes. Respondent has no additional information to report.

INTERROGATORY NO. 16:

State all facts concerning the joint demonstration with PositiveID Corporation's wireless communication device for diabetes management operating in conjunction with VCI's robotic telepresence.

RESPONSE TO INTERROGATORY NO. 16:

VCI incorporates all of its General Objections and, specifically, General Objections 1 and 7. In particular, VCI objects to this interrogatory to the extent that it contains words or

phrases that lack an apparent meaning or have an uncertain meaning, as it suggests that PositiveID Corporation's wireless communication device for diabetes management works in conjunction with VCI's product and that is not the case. Subject to, and without waiving these objections, VCI responds as follows: PositiveID invited VCI to do a demonstration at the American Telemedicine Conference at PositiveID's booth at that conference but not in conjunction with PositiveID Corporations' wireless communications device for diabetes management.

For the one-time demonstration, VCI drove its robot from its booth to their [PositiveID Corporation] booth at the tradeshow. When VCI was at the PositiveID Corporation booth, VCI personnel talked with PositiveID Corporation personnel. VCI did not integrate PositiveID Corporation equipment with VCI equipment or do anything with or in conjunction with PositiveID Corporation equipment." The documents, and the article found at Respondent's website and produced to Petitioner were generated by PositiveID Corporation, which characterized this interaction as a "joint demonstration" for its own purposes.

Respondent has no additional information to report.

DOCUMENT REQUEST NO. 20

_Produce all Documents and Things concerning VCI's marketing plans for VCI's mark.

RESPONSE TO DOCUMENT REQUEST NO. 20

Respondent has provided documents responsive to this request. Specifically, at VGO 001179-1201 and VGO 001202 -1279, marked "Confidential – Attorneys' Eyes Only." There are no other documents relating to any marketing plans for the years in question of which Respondent is presently aware.

DOCUMENT REQUEST NO 29

Produce all Documents and Things concerning descriptions of the channels of trade for distribution of VCI's goods and or services under VCI's Mark.

RESPONSE TO DOCUMENT REQUEST NO 29

Respondent has objected to this Request as overly broad, unduly burdensome, oppressive, requesting irrelevant documents and/or those not reasonably calculated to lead to the discovery of admissible documents and/or information, given all of the press and media generated by others about VCI's products, it is impossible to produce all Documents and Things.

Nonetheless, Respondent answered this request. In response to Interrogatory No. 4. Respondent stated that it provides its products to companies within the enterprise, education and healthcare markets, which companies range from small businesses to Fortune 500 companies. The products are sold directly or through VCI's value added resellers. In addition, Respondent has provided numerous pages from its website, published material produced by VCI and articles published by VCI or others concerning its channels of trade. Respondent has produced Documents and Things describing the channels of trade for distribution of its goods and services under VCI's Mark. Respondent has complied with this Request.

Furthermore, Petitioner has acknowledged that Respondent has complied with this request as it pertains to goods. With regard to services, Respondent does not provide services outside of the setup, use and repair of its remote communications robots and any documents relating to the channels of trade for any such services has already been provided. Respondent has complied with this request.

REQUEST FOR ADMISSION NO. 24:

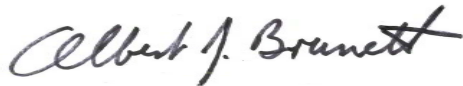
Admit VCI collaborated with a company named PositiveID Corporation

RESPONSE TO REQUEST FOR ADMISSION NO. 24:

VCI incorporates all of its Objections, and specifically, General Objection No. 7.
in addition to the foregoing General Objections. Subject to and without waiving the
foregoing General Objections and Specific Objection, VCI denies this Request.

VGO COMMUNICATIONS, INC.

By its attorneys,



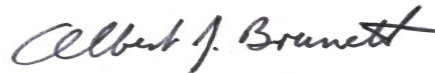
Albert J. Brunett
Michael Bearman
Vecna Technologies, Inc.
36 Cambridgepark Drive
Cambridge, MA 02140

September 18, 2015

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Registrant's Responses to Petitioner's Second Request for Admissions were served by first-class mail, postage-prepaid, this 18th day of September, 2015 upon:

Gregory M. Krakau, Esq.
Thomas F. Dunn, Esq.
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